

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8396 of 2005

Between:

Smt. Padmamma, W/o. Sri Sailoo,
Kyathanpally Vill, Damarigidda Mandal, Mahabubnagar
District.

..... PETITIONER

AND

- 1 The Government of A.P., rep. by its Prl. Secretary,
Panchayat raj & Rural Employment,
Secretariat, Hyderabad.
- 2 The District Collector (PTS Wing), Mahabubnagar District,
Mahabubnagar. (A.P.).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a writ in the nature of Mandamus, declaring the proceedings No. A1/417/2004-1 dt. 28.03.2005 of the 2nd respondent and also inaction of the 1st respondent in not passing the orders on stay petition in the Revision Petition filed against the said order as arbitrary and illegal.

Counsel for the Petitioner:MR.M.NARENDER REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is the elected sarpanch of Kyathanpally village, Damarigidda Mandal, Mahabubnagar District. By an order dated 28.03.2005 passed by the second

respondent-District Collector (PTS Wing), Mahabubnagar, under Section 249(6) of the A.P.Panchayat Raj Act, 1994 (for short "the Act") the petitioner was placed under suspension for a period of three months.

Initially the petitioner filed W.P.No.7063 of 2005 questioning the said order of suspension, dated 28.03.2005. However, having regard to the fact that an alternative remedy is available under the Act, this Court disposed of the said writ petition granting leave and liberty to the petitioner to work out the alternative remedy and that in the meanwhile, the impugned order shall not be implemented for a period of two weeks.

Subsequently the petitioner preferred Revision Petition together with an application seeking stay of the order dated 28.03.2005.

Petitioner states that though the revision petition was entertained by the first respondent on 11.04.2005, no orders have been passed on the application for stay and in the meanwhile, the impugned order is sought to be implemented. Hence this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj appearing for the respondents and having regard to the nature of the order dated 28.03.2005, under which the petitioner was placed under suspension for a period of three months, I am of the view that unless the said order is stayed till the disposal of the revision petition, the revision petition itself becomes infructuous. Hence I deem it appropriate to stay the impugned proceedings till the disposal of the Revision Petition.

Accordingly, the writ petition is disposed of with a direction to the first respondent to dispose of the revision petition filed by the petitioner against the order of the second respondent dated 28.03.2005, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. Till such time, the impugned order dated 28.03.2005 shall not be given effect to. No costs.

15.04.2005

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To

- 1 The Principal Secretary, Panchayat raj & Rural
Employment, Government of A.P.,
Secretariat, Hyderabad.
- 2 The District Collector (PTS Wing), Mahabubnagar District,
Mahabubnagar. (A.P.).
- 3 Two C.Cs to the G.P. for Panchayat Raj and Rural
Development, High Court Buildings, Hyderabad (OUT).
- 4 2 CD copies.